

## **REMARKS**

The remarks presented herein attend to all outstanding issues in the pending Office Communication of June 12, 2008. Claims 1-10 and 23-25 are pending. Claims 11-22 and 26 are presently cancelled. No new matter has been added.

### **Response to Restriction Requirement**

The Examiner has determined that the instant application includes claims directed to the following two inventions:

- I. Claims 1-10 and 23-25, drawn to a method for producing a buried tunnel junction in a surface-emitting semiconductor laser; and
- II. Claims 11-22 and 26, drawn to a surface emitting semiconductor laser.

The Examiner states that the inventions are related as process of making and product made, and that the product as claimed can be made by a materially different process which does not require the step of laterally ablating tunnel junction material, by material-selective etching.

In accordance with the requirement to elect a single invention, Applicant elects Group I. Claims 1-10 and 23-25 read upon the elected methods for producing a buried tunnel junction in a surface-emitting semiconductor laser.

Applicant submits that all issues raised in the Office Communication dated June 12, 2008 have been addressed. If any issues remain outstanding or if questions arise regarding this Response, the Examiner is encouraged to telephone the undersigned.

It is believed that no fees are currently due. However, if any fee is deemed necessary in connection with this Response, please charge Deposit Account No. 12-0600.

Respectfully submitted,  
LATHROP & GAGE L.C.

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